

REMARKS

Claims 1-46 are pending in the present application.

In the office action mailed January 26, 2005 (the “Office Action”), claims 1-32, 34-38, and 40-46 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 20020053044 to Gold *et al.* (the “Gold application”). Claim 33 was rejected under 35 U.S.C. 103(a) as being unpatentable over the Gold application in view of U.S. Patent Application Publication No. 20030033606 to Puente *et al.* (the “Puente application”).

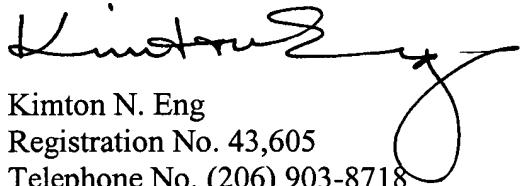
A declaration under 37 C.F.R. 1.131 (the “131 declaration”) is being submitted herewith to swear behind the Gold application. By removing the Gold application, the Examiner’s rejection of claims 1-46 under 35 U.S.C. 102(e) and 103(a) cannot be maintained and must be withdrawn.

The 131 declaration has been signed by the attorney of record because Mr. Doug Rollins, the sole inventor of the present application, could not be located. Submission of the 131 declaration should not be interpreted as reflecting the belief that the subject matter of the pending claims is unpatentable. Moreover, the merits of the Examiner’s rejection of the claims have not been addressed, nor whether the Examiner’s characterizations of the cited references are accurate. Therefore, the presumption that the merit of the Examiner’s rejections has been tacitly acknowledged or that the references cited by the Examiner are relevant to the patentability of the present invention should not be made.

All of the claims pending in the present application are in condition for allowance.
Favorable consideration and a timely Notice of Allowance are earnestly solicited.

Respectfully submitted,

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Enclosures:

- Postcard
- Check
- Fee Transmittal Sheet (+ copy)
- Declaration under 37 C.F.R. § 1.131

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